

Remarks

These Remarks are in reply to the Office Action mailed April 2, 2008.

I. Summary of Examiner's Rejections

Claims 1, 17-35, and 37-48 were pending in the Application. The Office Action rejected claims 1, 17-35, and 37-48.

Claim 42 was erroneously rejected under 35 U.S.C. 112 for antecedent basis reasons for reciting "the MBean information structure." Claim 42 was amended in the prior response to remove "the" before "MBean information structure."

Claims 1, 17-28, 34-35, 37-39, 43-44, and 48 were rejected under 35 U.S.C. 102(e) as allegedly anticipated by Viswanath (U.S. Patent No. 7,206,827, priority date July 25, 2002).

Claim 29 was rejected under 35 U.S.C. 103(a) as being unpatentable over Viswanath (U.S. Patent No. 7,206,827) in view of US 5,212,784 to Sparks.

Claims 30-33 were rejected under 35 U.S.C. 102(e) as being unpatentable over Viswanath (U.S. Patent No. 7,206,827) in view of official notice.

Claims 40-42 and 45-47 were rejected under 35 U.S.C. 102(e) as being unpatentable over Viswanath (U.S. Patent No. 7,206,827) in view of US 6,788,980 to Johnson.

II. Summary of Applicant's Response

Reconsideration of the rejections is requested.

III. Related Case 10/823,290 was Allowed

Related Case 10/823,290 was allowed. A Terminal Disclaimer between this application and

10/823,290 was filed with the previous response in this case on August 3, 2007. The Viswanath reference (U.S. Patent No. 7,206,827) cited in this case was cited in the related case. The Examiner's reasons for allowance in the related case stated that the "prior art of record does not render obvious to one ordinarily skilled in the art at the time of the applicant's invention nor anticipate the combination of claimed elements."

IV. Response to Rejections

Independent Claim 1

Claim 1 states:

A computer-readable medium containing instructions stored thereon, wherein the instructions comprise:

receiving an MBean definition file in XML format;

generating an MBean jar file from the MBean definition file, wherein the MBean jar file includes a tag for the MBean and a tag for each attribute, operation, and potential notification issued by the MBean;

placing the jar file in a predetermined directory within a managed server in a management domain, wherein the management domain is a collection of distributed servers that are managed as a unit; and

providing a custom management capability through the MBean over the management domain;

wherein scope of an MBean is a set of locations at which the MBean is available, and an MBean is not available to servers located outside the MBean's scope; and

wherein an administration server contains a copy of all sharable MBeans located in

the management domain.

Claim 1 was rejected over Viswanath. Claim 1 requires “wherein an administration server contains a copy of all sharable MBeans located in the management domain.” The Office Action cited Viswanath Fig. 3, which shows generated managed beans 212. However, Figure 3 does not show an administration server containing a copy of all sharable MBeans located in the management domain.

Claim 1 requires that the “scope of an MBean is a set of locations at which the MBean is available, and an MBean is not available to servers located outside the MBean’s scope.” The Office Action argued that “‘scope’ is an inherent feature of any MBean, and for that matter any object.” Under MPEP 2112, the Office Action must provide a rationale or evidence to show inherency. The MPEP requires the Examiner to provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art. See *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). The Office Action’s assertion of inherency did not meet the requirements of the MPEP and caselaw. The Office Action’s reliance on inherency for rejecting Claim 1 was improper.

Applicant respectfully submits that the embodiment as defined in independent claim 1 is neither anticipated by nor obvious in view of Viswanath. Applicant respectfully requests that the 35 U.S.C. § 102(e) rejection to claim 1 be withdrawn.

Claim 23

Claim 23 requires, “wherein a MBean is accessed through a type MBean stub.” The Office Action asserted that Viswanath col. 10, lines 29-50, taught the features of claim 23. Yet col. 10 describes meta-information accessed by a generator to generate beans. Viswanath does not teach or

suggest “a MBean is accessed through a type MBean stub.”

The Office Action argued that “those of ordinary skill in the art would have recognized the cited ‘get’ and ‘set’ methods as providing a direct access to attributes and operations of the custom MBean and thus as anticipate the claimed MBean stub.” A ‘get’ method is an operation that is called to access information stored in a specific attribute. A ‘set’ method is an operation that is called to modify information stored in a specific attribute. Those of ordinary skill in the art would not recognize ‘get’ and ‘set’ methods as anticipating stubs.

Applicant respectfully submits that the embodiment as defined in dependent claim 23 is neither anticipated by nor obvious in view of Viswanath. Applicant respectfully requests that the 35 U.S.C. § 102(e) rejection to claim 23 be withdrawn.

Claim 24

Claim 24 requires, “wherein an MBean stub provides a reference to a java object which implements an interface specific to the MBean.” The Office Action asserted that Viswanath col. 10, lines 29-50, taught the features of claim 24. Yet col. 10 describes meta-information accessed by a generator to generate beans. Viswanath does not teach or suggest “an MBean stub provides a reference to a java object which implements an interface specific to the MBean.”

The Office Action argued that ‘get’ and ‘set’ methods anticipate stubs and interfaces. The person of ordinary skill in the art would see a distinction between ‘get’ and ‘set’ methods, and stubs and interfaces.

Applicant respectfully submits that the embodiment as defined in dependent Claim 24 is neither anticipated by nor obvious in view of Viswanath. Applicant respectfully requests that the 35 U.S.C. § 102(e) rejection to claim 24 be withdrawn.

Claim 25

Claim 25 requires, “wherein stubs are generated dynamically at runtime.” The Office Action asserted that Viswanath col. 10, lines 29-50, taught the features of claim 25. Yet col. 10 describes meta-information accessed by a generator to generate beans. Viswanath does not teach or suggest “wherein stubs are generated dynamically at runtime.”

The Office Action argued that dynamic generation of MBeans anticipates dynamic generation of stubs. While Viswanath may disclose dynamic generation of MBeans, Viswanath never mentions stubs. With no disclosure, there can be no anticipation.

Applicant respectfully submits that the embodiment as defined in dependent Claim 25 is neither anticipated by nor obvious in view of Viswanath. Applicant respectfully requests that the 35 U.S.C. § 102(e) rejection to claim 25 be withdrawn.

Claim 40

Claim 40 requires “wherein the scope is specified in the MBean definition file.” The Office Action conceded that Viswanath does not disclose that the scope is specified in the MBean definition file. However, the Office Action asserted that Johnson (U.S. Patent No. 6,788,980) could be combined with Viswanath to reject Claim 40 under 35 U.S.C. 103(a). Johnson describes an object location service that, at col. 23, lines 17-18, “supports the implementation of naming scopes, i.e. limiting the visibility of names.” Johnson does not, however, suggest that the scope is specified in the MBean definition file.

Dependent Claims 18-35 and 37-48

Dependent Claims 18-35 and 37-48 depend from Claim 1. For at least the reasons discussed above, dependent Claims 18-35 and 37-48 are patentable.

V. Conclusion

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: June 30, 2008

By: /Thomas K. Plunkett/
Thomas K. Plunkett
Reg. No. 57,253

Customer No. 23910
FLIESLER MEYER LLP
650 California Street, 14th Floor
San Francisco, California 94108
Telephone: (415) 362-3800